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Andy Ho

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9471

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02/12/2009

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EXAMINER

TRINH, MINH N

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

02/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Disposition of Claims: Claims pending in the application are 1,3,5-8,10-12,14-17,21-28,32,33,38,39,43-48,51,52,54-57, 61-63 and 68.

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2/9/09

DETAILED ACTION

1. The amendment to the claims languages filed on 12/9/08 has been considered but is ineffective to overcome the prior Art reference.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-8 and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed subject matter such as that as recited in the above claims was not described in the specification and or drawings in such a way as to enable one skilled in the art to make and/or use the invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-8 and 68 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“to be mounted on one or more of the chassis” (claim 6, line 2-3) not positive limitation in that it is not known as to how many chassis are there.

“the chassis” (claim 6, line 2-3) lacks proper antecedent basis.

“if an implantable component ” (claim 6, line 3) is not understood , please clarify.

Drawings

4. The drawings were received on 5/31/06. These drawings appear to be acceptable
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter i.e., “ first and second portions each configured to be mounted on one or more of the chassis and wall of a housing if an implantable component, a first portion and a second portion, and that as in claims 7-8 and 65” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Claims 1, 5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by E. R Pfaff (2824306). This rejection is set forth in prior Action, paragraph 4.

E.R. Pfaff discloses a method of forming and connecting an antenna to a feedthrough member of a housing, the method comprising the steps of:

positioning the feedthrough member 37 and an antenna template 5 relative to each other (see Fig. 3);

connecting a first portion of at least one electrically conducting wire 30 to said feedthrough member 37; winding said wire 30 at least once around the antenna template 5; and connecting a second portion of each wire to said feedthrough member 37 (see Fig. 3).

Limitations of claims 10-12 are also met by the above reference (see Fig. 3).

7. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.R. Pfaff.

Regarding the material associated in claims 14-15, it would have been an obvious matter of design choice to choose any desired materials such as that recited in the above claims since applicant has not disclosed that these features are critical, patentably distinguishing features and it appears that the invention would perform equally well with the materials such as polyethylene coating as taught by the prior art reference (see col. 4, lines 64-66).

8. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.R. Pfaff .

Regarding claims 3 and 16, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the feedthrough and the antenna to be removed from the workspace in order to obtain an antenna assembly.

Additionally, regarding the removing step above. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the limitation of claim 16 at the end of the process in order to obtain an antenna device, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over E.R. Pfaff in view of Tuttle et al (5779839)

Regarding limitation of claim 17, E.R. Pfaff is silent about the encapsulation process. However, the Tuttle discloses that see col. 14, lines 32-36. Therefore, it

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would have been an obvious to one having ordinary skill in the art at the time of the invention was made to employ the Tuttle's teaching as described above onto the invention of E.R. Pfaff such modification would provide the proper protection of the connections as well s the component antenna thereto.

Response to Arguments

10. Applicant's arguments filed on 7/17/08 have been fully considered but they are not persuasive. Because the prior Art discloses the invention.

Applicants amendment to the claims raise new issues of 112 1st and 2nd see above.

Applicants contend that the reference does not teach the claimed " feed through" (see "Remarks", on the bottom of page 11). The examiner disagrees because in Pfaff the wires 30/31 are connected to a feed through connector which is apart of the 37. Since the feed through is broad and the connector of the prior art reference is still readable as the claimed feed through.

Applicant's arguments do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

This application contains claims drawn to an invention nonelected. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action.

Interview after a final rejection

11. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

Conclusion

12. It is noted that any amendment made to the disclosure and the claims. Applicant requires to point out the support provide numeral references to the claimed limitations as well as support in the disclosure (i.e., page and line numbers and reference number associated with from the drawings) for better clarity (See 37CFR 1.111 and section 2163.06 of the MPEP).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mt

/Minh Trinh/
Primary Examiner, Art Unit 3729

2/11/09